

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIM A. ETIENNE,

CASE NO. 21-cv-1429

Plaintiff,

**ORDER EXTENDING TIME FOR
COMPETENCY HEARING AND SETTING
HEARING DATE**

UNITED STATES OF AMERICA,

Defendant.

On September 21, 2023, the Court entered an Order For Rule 17 Competency Hearing, setting a competency hearing for Plaintiff Kim A. Etienne within 14 days of entry of the Order. No. 49. On September 27, 2023, Etienne responded and requested a four-week extension to file a response to show that he “is not in any way incompetent.” Dkt. No. 50 at 1. Specifically, Etienne states that he needs additional time to review his former counsel’s opposition made in support of counsel’s request to withdraw from Etienne’s representation and review the recording or transcript of the December 22, 2023, hearing on counsel’s motion to withdraw. Dkt. Nos. 31, 33, 50.

Given Etienne's pro se status, the Court finds good cause to grant his request. Etienne may call the Western District of Washington's Clerk's Office at (206) 370-8400 to request a copy of the recording of the December 22, 2023 hearing, which will require providing this

1 matter's cause number and paying the appropriate cost to obtain a copy. The clerk is permitted to
2 provide a copy of the sealed hearing recording to Etienne upon request and payment of any
3 required cost.

4 As explained in its previous Order, the Court has an independent duty under the
5 circumstances to investigate Etienne's competency, and it will proceed with a competency
6 hearing regardless of whether Etienne submits a written response in advance of the hearing. *See*
7 Dkt. No. 49. The Court encourages Etienne to seek legal counsel.

8 **The competency hearing will take place on October 30, 2023, at 9 A.M. via Zoom.**
9 The deputy will provide login details closer to the competency hearing date.

10 Additionally, the clerk is ORDERED to mail a copy of the *in camera* Declaration of
11 Todd D. Tinker In Support of Motion to Withdraw, Dkt. No. 31, to Etienne at his address of
12 record.

13 It is so ORDERED.

14 Dated this 4th day of October, 2023.

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17 Jamal N. Whitehead
18 United States District Judge
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